



July 13, 2015

Open letter to Town of Georgina Council

Dear Mayor Quirk and Members of Council:

I am writing to clarify Lake Simcoe Region Conservation Authority's process specifically in regards to Section 28 permit applications and to provide the Town of Georgina Council with an update regarding our most current undertaking with the DG Group.

Section 28 of the *Conservation Authorities Act*: Are Permits open to Third Party Process?

Under provincial privacy legislation, permit applications are protected and therefore not open for public review or comment. However, once a decision has been made and a permit is approved or denied, the application can be made public through a Freedom of Information request.

If there is a Board of Directors' hearing concerning a permit application, the only parties entitled to participate in the hearing are the permit applicant and the conservation authority. The public are welcome to attend such a hearing, but they cannot participate.

These standard operating practices of conservation authorities were reviewed in 2010 by the Ministries of Natural Resources and Municipal Affairs and Housing and documented in a report entitled "Policies and Procedures for Conservation Authority Plan Review and Permitting Activities" published in May 2010. The *Conservation Authorities Act* and the subsequent policies and procedures referenced above have no provision for third party participation. Furthermore, Section 9.0 Adherence to Policies clearly states under subsection 9.1, "All CAs are required to adhere to these policies and procedures". A conservation authority not following these policies and procedures is potentially subject to a provincial audit, disciplinary action and litigation.

The Section 28 permit application process is an objective technical review conducted by highly skilled professionals who have the scientific knowledge, expertise and experience to render decisions on whether or not a permit should be granted. Their primary objective is to protect public safety and property. LSRCA follows this process in accordance with legal responsibility, as legislated under the *Conservation Authorities Act*. Deviating from this process would contravene certain laws, could create an apprehension of bias and could cause significant delay and disruption in the duty to provide permit services in a timely fashion.

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As an organization that relies on public trust and confidence, LSRCA firmly believes that public participation is a critical part of decision making. In regards to plans of subdivision, this process happens during the planning phase, prior to permit applications being submitted for review.

LSRCA's Undertaking with the DG Group:
A Creative Solution to Protect the Paradise Beach/Island Grove Wetland

LSRCA has a proven track record of protecting wetlands and accordingly is working collaboratively with the Province of Ontario, the Region of York, the Town of Georgina and the DG Group to negotiate an agreement to protect the wetlands in perpetuity. This involves the transfer of DG Group's current development rights to another parcel of land which they own. As part of this agreement, DG Group will transfer ownership of the wetland and forest in its entirety to the public trust. This represents more than a 3:1 increase in the Green Belt and is the most certain approach to protecting the wetlands.

The DG Group has entered into an undertaking (copy attached) with LSRCA to not proceed with any activities in regards to a permit application unless all efforts to negotiate the transfer of development rights have failed. The undertaking also outlines the DG Group's willingness to deed ownership of the lands into the public trust once a transfer of development rights is achieved.

In today's climate, our actions and decisions are guided by what is best for the environmental health of Lake Simcoe and the surrounding watershed. I can say with absolute certainty that LSRCA is fully invested in finding a positive balance between our human needs and the needs of our watershed.

Sincerely,



Michael Walters
Chief Administrative Officer

Attachment

UNDERTAKING

1. In consideration for the acknowledgement set out in paragraph 2 of this Undertaking, Maple Lake Estates Inc. (the "Owner") and the DG Group undertake and agree not to commence any on-site works, including clearing, site alteration, the placement of fill and grading on the lands within Registered Plan of Subdivision known as Maple Lakes Estates 65M-2903, Town of Georgina Roll No. 121-950 in the Town of Georgina ("the Lands") until the conclusion of all reasonable efforts with various public authorities involved to have transferred equivalent development rights from the Lands (65M-2903) to the adjacent lands within Subdivision 65R-3920 and Part of Lots 21 and 22, Concession 3. Should the transfer of the development rights be satisfactory to the Owner, in its sole discretion, the Owner will agree to convey the Lands (65M-2903) in their entirety and at no cost to the appropriate public agency or conservation authority.
2. The LSRCA acknowledges and agrees that the Owner's permit application pursuant to Ontario Regulation 179/06 was submitted on May 20th 2015 and that the permit application will be processed in accordance to the watershed development guidelines in effect at the time of the submission.
3. This undertaking shall expire upon the earlier of the termination of discussions with the various public authorities referred to in paragraph 1 of this Undertaking or January 1, 2016, whichever date is earlier.

Dated at Concord June 12th 2015

DG Group

Per: _____

Name: Robert DeGasperis

Title: President

I have the authority to bind the corporation

Dated at Concord June 12th 2015

Maple Lake Estates Inc.

Per: _____

Name: Robert DeGasperis

Title: ASO

I have the authority to bind the corporation

Dated at Newmarket June 6 2015

Lake Simcoe Region Conservation Authority

Per: _____


Name: Geoffrey Dawe

Title: Chairman, LSRCA

I have the authority to bind the corporation

Dated at Newmarket, ON June 11, 2015

Lake Simcoe Region Conservation Authority

Per: 

Name: Michael Walters

Title: Chief Administrative Officer

I have the authority to bind the corporation